

Serial No.: 10/716,510
Atty. Docket No.: P69265US0

R E M A R K S

In the December 29, 2005 communication, the Amendment filed September 30, 2005 has been considered non-responsive on the basis that the response did not point out "disagreements with the Examiner's contentions" and that Applicant must "discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them".

In the Office Action mailed June 30, 2005, only claim 23 was rejected under 35 USC 103(a) as being unpatentable over Garland. The Office Action included a sketch of Figure 8 of the Garland patent in which various components were labeled by utilizing the terminology in claim 23.

In the REMARKS section of the Amendment filed September 30, 2005, Applicant pointed out, beginning in the last paragraph of page 11 of the Amendment, that "the interpretation and labeling of certain of the components in Garland is not supported by the drawings and description of the Garland publication". This statement by Applicant appears to be a clear indication of Applicant's disagreement with the interpretation of the Garland publication as set forth by the Examiner in the Office Action mailed June 30, 2005. As further set forth in the same paragraph of the REMARKS filed on September 30, 2005, Applicant pointed out

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that claim 23 had been amended "to include additional limitations which clearly distinguish the claim from the Garland structure". Further, Applicant states that rigid rear support in reproduced Figure 8 of Garland are not described in this manner. It was further pointed that the "rear supports in the reproduced Figure 8 have reference numerals 80 applied thereto in Figure 1" and ---"is described as links 80 in page 3 column 1 at 0043'.

On page 12 of the previously submitted response, Applicant further pointed out the structure, function and operation of the "links 20 and 80" and quoted from the Garland patent in which the links 20 and 80 translate fore and aft relative to frame 14, so also does chair 12". Further, Applicant pointed out that by comparing the structure in Figures 1 and 3a of the Garland publication, links 80 pivot from the position illustrated in Figures 1 and 8 to the position illustrated in Figure 3a.

Accordingly, Applicant disagrees with the interpretation of the Garland publication that links 80 constitute a rigid rear support.

Figures 1a, 2a and 8 in the Garland publication clearly indicate the pivotal movement of links 80 from the solid line position illustrated in Figures 1a and 8 to the broken line position illustrated in Figures 2a and 2d.

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In view of this discussion in the Amendment filed September 30, 2005, Applicant submits that the previous REMARKS section pointed out "disagreements with the Examiner's contentions".

Likewise, this same portion of the previous response discussed the Garland reference applied against the rejected claim and explained how claim 23 and newly submitted dependent claim 25 avoid the reference and distinguishes from Garland.

In the REMARKS section of the previously submitted response, it was pointed out that claim 23 had been amended to define the rear supports as "a pair of laterally spaced, stationary upstanding rigid rear supports" and by defining the supporting arms as having a seat supported therefrom and a first pivot connecting a forward end of each of said arms to the upper end of a front pivotal support. In subsequent discussion of the limitations in the claims, as amended, Applicant clearly distinguish the structure being claimed in claim 23 from the structure disclosed in the Garland publication. Further, in the previous response, Applicant pointed out that the structural relationship of the components in claim 23 is not suggested in and not obvious from Figure 8 in the Garland publication inasmuch as the structure illustrated in Figure 8 as labeled in the previous Office Action is not the same as or

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equivalent to "a pair of laterally spaced generally horizontal supporting arms having a seat supported therefrom in which a first pivot connecting a forward end of each of said arms to the upper end of a front pivotal support".

Applicant submits that the previous areas of disagreement with the Examiner's contentions are set forth in the REMARKS section and that the structure in claim 23 distinguishes from and is different from the structure illustrated in Figure 8 of the Garland publication.

Further distinctions between claim 23 and the prior Garland publication were discussed on page 14 of the previously submitted remarks including "a seat back connected to a rearward end of said arms by a second pivot" whereas the seat in Garland is connected to the upper ends of the links 20 and 80 by pivots and the seat back is integral with the seat and is not connected to a rearward end of said arms by a second pivot.

Accordingly, Applicant submits that the discussion of the claim 23 subject matter in this application in comparison to the structure of the Garland publication complies fully with the requirements of 37 CFR 1.111 (b) since the reply includes distinct and specific errors in the Examiner's action in response to the rejection in the prior Office Action. Arguments have been

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presented pointing out the specific distinctions which render claims 23 and 25 patentable over the applied reference. Further, Applicants previous reply and this reply are believed to be a bona fide attempt to advance the application to final conclusion. Since claim 23 was previously rejected and has been amended in a manner which is believed to patentably distinguish from the Garland publication and new claim 25 sets forth additional limitations which Applicant submits also patentably distinguishes from the structure disclosed in the Garland publication which applicant submits has been erroneously interpreted in the reproduced and labeled Figure 8 of the Garland publication in the previous Office Action.

Accordingly, Applicant again submits that this application is in condition for allowance and that both claims 23 and 25 include limitations not found in the Garland publication and that these limitations co-act to product a chair structure different from and patentably distinct from the structure in the Garland publication.

Accordingly, Applicant now requests reconsideration of the holding that the previous amendment was non-responsive and further requests an examination of the merits of amended claim 23 and new claim 25 as well as continued indicated allowance of

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previously allowed claims and claim 24 which was indicated as being allowable subject to being rewritten in independent form which was included in the previous response.

Respectfully submitted,

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